IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5924 of 2005

Between:

The Mandal Committee of Andhra Pradesh, Rythu Sangham (affiliated to Akhila Bharatha Kisana Sabha), Rep. by its
President, Veguru Penchalaiah, S/o. Narasimhulu, Aged about 52 Years, Agriculturist, R/o. Bhimavaram East
Village, Marripadu Mandalm, Nellore District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Secretary, Irrigation Department, Secretariat, Hyderabad.
2 The Chief Engineer, Minor Irrigation Department, Erramanzil, Khairathabad, Hyderabad, A.P.
3 The Superintending Engineer, Irrigation Department, Haranadhapuram, Nellore, Nellore District, Andhra Pradesh.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, directing the respondents herein to consider for inclusion of the lands of the members of petitioner in the place of Government Waste Lands which were uncultivated, unoccupied by providing secondsluice for irrigation of the lands of the members of the petitioner shown in Annexure-I to III after calling for the records.

Counsel for the Petitioner:MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

ORDER:

Heard both sides.

The petitioner is the Mandal Committee of Andhra pradesh Rythu Sangham, Bhimavaram Village, Marripadu Mandal, Nellore District. The grievance of the petitioner-Society is that since a long time, the members of the society have been agitating to have an irrigation tank, but, so far no steps have been taken by the respondents. The petitioner-Society came to know that some proposals are on the anvil for construction of an irrigation tank and some adjoining lands are also included in the ayacut of the said tank, without including the lands of the petitioner-Society and including certain unfertile lands, which belong to the Government, have been included in the ayacut of the proposed irrigation tank. It is represented that the petitioner-Society had also made a representation before the concerned authority, in this regard.

Having regard to the facts and circumstances, particularly keeping in view the acute shortage of water and other problems of the ryots, it would be appropriate if the lands of the petitioner-Society are also included in the ayacut of the proposed irrigation tank, subject to feasibility and their suitability.

In view of the fact that the petitioner-Society had already made a representation in this regard to the respondents, the respondents are directed to consider the same, keeping in view the observations made above.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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05.04.2005

Jsu

To

1 The Secretary, State of Andhra Pradesh, Irrigation Department, Secretariat, Hyderabad.
2 The Chief Engineer, Minor Irrigation Department, Erramanzil, Khairathabad, Hyderabad, A.P.
3 The Superintending Engineer, Irrigation Department, Haranadhapuram, Nellore, Nellore District, Andhra Pradesh.

4 2 CCs to the G.P for Irrigation and Command Area Development, High Court Buildings, Hyderabad. (OUT)

4 2 CD copies

2) 1 CC to MR.PRATTIPATI VENKATESWARLU

*Form-NIC-OGS/WP{**SPJS**}*